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12 IN THE UNITED STATES DISTRICT COURT
13 DISTRICT OF ARIZONA

14 United States of America,
15 Plaintiff,
16 vs.
17 Donald Day, Jr.,
18 Defendant.

No. CR-23-08132-PCT-JJT

**NOTICE TO THE COURT RE:
DEFENDANT'S MOTION TO STAY
ORDER PERMITTING
GOVERNMENT TO OBTAIN
FINGERPRINTS**

19 Defendant Donald Day, Jr., through undersigned counsel, respectfully provides the
20 Court notice of the following:

21 On November 14, 2024, Mr. Day sought an emergency order from the Court to,
22 essentially, prevent the government from transporting him to Tucson for fingerprinting.
23 (Dkt 93). The basis for the motion was that, because of a longstanding medical issue
24 which makes transportation particularly fraught, Mr. Day requested the fingerprinting
25 occur in Florence.

26 A hearing was held on November 18, 2024, concerning the motion. (Dkt. 96). The
27 Court determined Mr. Day should not be transported to Tucson, and instead ordered that
28 the fingerprinting occur in Florence on another date selected by the parties.

1 On November 15, 2024, despite the hearing and the Court's order, Mr. Day was
2 transported to Tucson.

3 Mr. Day's transportation to Tucson needlessly subjected him to pain and, likely,
4 embarrassment. It has also substantially interfered with the attorney-client relationship.

5 * * *

6 For this reason (in addition to Mr. Day's other ongoing health conditions), the
7 defense anticipates—after an opportunity to further consult with Mr. Day— requesting
8 that detention in this matter be reopened.

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10 Respectfully submitted: November 22, 2024.

11 JON M. SANDS
12 Federal Public Defender

13 /s/ Mark Rumold
14 Mark Rumold
15 Asst. Federal Public Defender

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